

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ SEP 6 2005 ★

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
**GEORGE FAGBORE**

**Petitioner,**

**- against -**

**UNITED STATES OF AMERICA,**

**Respondent.**  
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**BROOKLYN OFFICE**

**ORDER**

**04 CV 4949 (NG)(LB)**

**GERSHON, United States District Judge:**

Magistrate Judge Lois Bloom has issued a Report and Recommendation dated July 20, 2005, which sets forth in detail the reasons for her conclusion that petitioner's petition under 28 U.S.C. § 2241 should be denied. The petition challenges the determinations of the Bureau of Prisons ("BOP") regarding the credit to which petitioner is entitled for time served. Following the referral of this matter to Judge Bloom, the BOP agreed to credit petitioner with time served from February 2, 2000 through January 18, 2001, leaving only the period from January 19, 2001 through July 12, 2001 in dispute. Judge Bloom, relying on the documentary evidence, concluded that the period should not be credited toward petitioner's federal sentence because he was already credited with it under a state sentence.

Petitioner's objections to this conclusion are without merit. That he was in federal custody does not negate that the state credited the time toward his state sentence. Nor does the timing of the sentences, or the consecutive nature of the sentences, negate the credit.

The Report and Recommendation is adopted and the petition is denied.

**SO ORDERED.**

/s/

**Dated: Brooklyn, New York  
September 6, 2005**

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**NINA GERSHON  
United States District Judge**